

02-25-02

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Approved for use through 10/31/2002. OMB 0651-0031

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

K35A0462

First Inventor

MICHAEL S. ROTHBERG

Title

DISK DRIVE EMPLOYING DATA AVERAGING TECHNIQUES DURING
RETRY OPERATIONS TO FACILITATE DATA RECOVERY

Express Mail Label No.

EL919833632 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **13**]
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **8**]
5. Oath or Declaration [Total Pages **1**]
a. ☒ Newly executed (original or copy)
b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. _____

Prior application information

Examiner _____

Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

26332

or



Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Milad G. Shari, Esq

Registration No. (Attorney/Agent)

39,367

Signature

Date

2/24/02

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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31000 U.S. PTO

02/22/02

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 888.00)

Complete if Known

| | |
|----------------------|---------------------|
| Application Number | UNKNOWN |
| Filing Date | HEREWITH |
| First Named Inventor | MICHAEL S. ROTHBERG |
| Examiner Name | UNKNOWN |
| Group Art Unit | UNKNOWN |
| Attorney Docket No. | K350462 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account.Deposit
Account
Number
Deposit
Account
Name

23-1209

WESTERN DIGITAL

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 101 740 | 201 370 | Utility filing fee | 740.00 |
| 106 330 | 206 165 | Design filing fee | |
| 107 510 | 207 255 | Plant filing fee | |
| 108 740 | 208 370 | Reissue filing fee | |
| 114 160 | 214 80 | Provisional filing fee | |

SUBTOTAL (1) (\$ 740.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 26 | -20** = 6 | 18.00 | 108.00 |
| 2 | -3** = 0 | 84.00 | 0.00 |
| Multiple Dependent | | | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|-------------------------------|-------------------------------|--|
| 103 18 | 203 9 | Claims in excess of 20 |
| 102 84 | 202 42 | Independent claims in excess of 3 |
| 104 280 | 204 140 | Multiple dependent claim, if not paid |
| 109 84 | 209 42 | ** Reissue independent claims over original patent |
| 110 18 | 210 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 108.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|---------------|---------------|--|----------|
| 105 130 | 205 65 | | | Surcharge - late filing fee or oath | |
| 127 50 | 227 25 | | | Surcharge - late provisional filing fee or cover sheet | |
| 139 130 | 139 130 | | | Non-English specification | |
| 147 2,520 | 147 2,520 | | | For filing a request for <i>ex parte</i> reexamination | |
| 112 920* | 112 920* | | | Requesting publication of SIR prior to Examiner action | |
| 113 1,840* | 113 1,840* | | | Requesting publication of SIR after Examiner action | |
| 115 110 | 215 55 | | | Extension for reply within first month | |
| 116 400 | 216 200 | | | Extension for reply within second month | |
| 117 920 | 217 460 | | | Extension for reply within third month | |
| 118 1,440 | 218 720 | | | Extension for reply within fourth month | |
| 128 1,960 | 228 980 | | | Extension for reply within fifth month | |
| 119 320 | 219 160 | | | Notice of Appeal | |
| 120 320 | 220 160 | | | Filing a brief in support of an appeal | |
| 121 280 | 221 140 | | | Request for oral hearing | |
| 138 1,510 | 138 1,510 | | | Petition to institute a public use proceeding | |
| 140 110 | 240 55 | | | Petition to revive - unavoidable | |
| 141 1,280 | 241 640 | | | Petition to revive - unintentional | |
| 142 1,280 | 242 640 | | | Utility issue fee (or reissue) | |
| 143 460 | 243 230 | | | Design issue fee | |
| 144 620 | 244 310 | | | Plant issue fee | |
| 122 130 | 122 130 | | | Petitions to the Commissioner | |
| 123 50 | 123 50 | | | Processing fee under 37 CFR 1.17(q) | |
| 126 180 | 126 180 | | | Submission of Information Disclosure Stmt | |
| 581 40 | 581 40 | | | Recording each patent assignment per property (times number of properties) | 40.00 |
| 146 740 | 246 370 | | | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 740 | 249 370 | | | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 740 | 279 370 | | | Request for Continued Examination (RCE) | |
| 169 900 | 169 900 | | | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00)

SUBMITTED BY

| | | | | | |
|-------------------|----------------|-----------------------------------|---------|-----------|--------------|
| Name (Print/Type) | Milad G. Shafa | Registration No. (Attorney/Agent) | 39,367 | Telephone | 949-672-7814 |
| Signature | | Date | 2/21/02 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

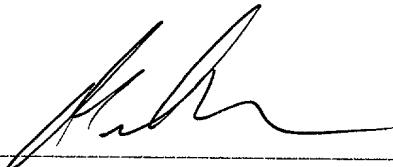
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| | | |
|--|----------------------|--|
| REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i) | First Named Inventor | MICHAEL S. ROTHBERG |
| | Title | DISK DRIVE EMPLOYING DATA AVERAGING TECHNIQUES DURING RETRY OPERATIONS TO FACILITATE DATA RECOVERY |
| | Atty Docket Number | K35A0462 |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

2/21/02
Date


Signature

Milad G. Shara, Reg. No. 39,367

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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